

**Proposed Beaufort Sea Oil and Gas Lease  
(Sale 97)**

***Public Hearings***

**Kaktovik**

**1986**

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TRANSCRIPT OF PROCEEDINGS  
DRAFT ENVIRONMENTAL IMPACT STATEMENT  
FOR  
THE PROPOSED OIL AND GAS LEASE SALE 97  
IN THE BEAUFORT SEA  
KAKTOVIK, ALASKA  
DECEMBER 10, 1986

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PROCEEDINGS

KAKTOVIK, ALASKA

DECEMBER 11, 1986

MR. BROCK: Good evening, ladies and gentlemen, and welcome to the public hearing on the Proposed Oil and Gas Lease Sale 97 in the Beaufort Sea. We will reopen the hearing and I won't go through my long dissertation that I went through yesterday. I will just kind of skim over and hit the high spots of it.

I think that the important thing is that this hearing is held to receive comments on the Draft Environmental Impact Statement for Sale 97 and on any suggestions on the subsistence per Section 810 of the Alaska National Interest Lands Conservation Act.

I forgot the whole purpose that we're starting over today and that's that our translator, Emily Wilson, is here. I guess as far as the translation, I'll just say a couple of sentences and then you'll want to --

MS. WILSON: Is that how you did it before?

MR. BROCK: Go ahead.

(TRANSLATION BY MS. WILSON)

MS. BROCK: If any of you have any questions and would like a question and answer period after the public hearing, we will be glad to close the official record and answer any questions that you might have. But the public hearing

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1 is your chance to explain what you think of our Environmental  
2 Impact Statement so there won't be any exchange during that period  
3 of time. If you want to ask questions after the hearing, I will be  
4 glad to close the record and to answer any questions you might  
5 have.

6 (TRANSLATION BY MS. WILSON)

7 Now, just to show you on the map what we're talking about,  
8 here's Wainwright, here's Barrow, Nuiqsut, and Kaktovik and the  
9 Canadian line. What we call the Beaufort Sea planning unit is this  
10 entire area which is some 49 million acres. The area covered by  
11 the Draft Environmental Impact Statement is shoreward of this line  
12 right here. This area seaward is not even being considered for  
13 lease at this time. It's just the area shoreward.

14 (TRANSLATION BY MS. WILSON)

15 Another part that's not being considered for lease is this  
16 three miles from shore, out three miles. That is owned by the  
17 State and we do not have anything to do with that. So, from the  
18 shoreline, out three miles, is not being considered. It's just  
19 from three miles out to this line here, which, each one of these  
20 blocks is three miles square. So, for example, this point out here  
21 is roughly ninety miles offshore, just to give you an idea of what  
22 that is.

23 (TRANSLATION BY MS. WILSON)

24 Some of the different points that are brought up and  
25 talked about in the EIS are the area colored in orange, which is

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1 what we call -- in the scoping process we heard from people here  
2 that this was the area that they wanted deferred. So, one of the  
3 things that we analyzed or worked on in the EIS was the Kaktovik  
4 Deferral, the Barrow Deferral and what is called the Chukchi Sea  
5 Deferral. The Secretary will look at these as possibilities. I'm  
6 not saying that we're going to defer them, but these are looked at  
7 as possibilities or they are covered in the Draft Environmental  
8 Impact Statement that way. There's a possibility.

9 (TRANSLATION BY MS. WILSON)

10 For example, in the last sale the Kaktovik Deferral Area  
11 was not deferred, the Barrow Deferral Area was, just to give you an  
12 example. And either one or neither one, is possible to be  
13 deferred. That is the purpose of that.

14 (TRANSLATION BY MS. WILSON)

15 The only other point that I want to repeat from last night  
16 is that the comment period for this EIS closes on January 6,  
17 1987. Until that time, MMS will also accept written comments and  
18 statements from anyone who would prefer to make written rather than  
19 oral comments, from anyone wishing to supplement their oral  
20 comments, or from anybody who is unable to attend the hearing.  
21 These written comments should be addressed to the Regional  
22 Director, Minerals Management Service, 949 East 36th Avenue,  
23 Room 110, Anchorage, Alaska, 99508, Attention: Dick Roberts.

24 The comment closes January 6, 1987. All written comments  
25 received prior to that date, January 6, 1987, will be included as a

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1 part of the hearing record.

2 (TRANSLATION BY MS. WILSON)

3 MR. BROCK: Now, we're going to go  
4 off the record here for a few minutes to see if you have any  
5 questions that you want to ask us before I turn around and ask you  
6 if you want to give any testimony.

7 (OFF THE RECORD)

8 (ON THE RECORD)

9 MR. BROCK: I'd like to start by  
10 asking Jim to present what he presented at the Barrow hearing on  
11 the North Slope Borough's position. I think that would help you to  
12 at least know where the North Slope Borough is standing.

13 MR. SAVOK: The North Slope  
14 Borough held a public hearing with MMS last Monday night, December  
15 the 8th, regarding this sale 97 and the North Slope Borough had  
16 made a prepared statement giving some of the concerns within the  
17 whole lease sale area. I'd like to read the written comments.  
18 This is not all of the comments that we're going to propose. We'll  
19 have more comments in detail submitted to MMS by January 6th under  
20 the mayor's signature.

21 I'll read these comments and I'll give them to Emily after  
22 and she can translate it and it will give you a better idea of what  
23 the North Slope Borough's position is.

24 The North Slope Borough would support the proposed  
25 Beaufort Sea Lease Sale Number 97 upon the following conditions:

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- 1) That the 201 blocks described in the Draft Environmental Impact Statement as Alternative IV, Barrow Deferral, be deleted from the sale and deferred for at least five years.
- 2) That the 161 blocks as described in the Draft Environmental Impact Statement Alternative V, Kaktovik Deferral, be deleted from the sale and be deferred until currently ongoing research is concluded and that area is found not to be a critical feeding habitat for the bowhead whale.
- 3) That Stipulation #4, Seasonal drilling restriction for protection of bowhead whales from potential affects of oil spills, as set forth in the Draft Environmental Impact Statement at II-16, be incorporated into each lease. And,
- 4) That a further stipulation be included in each lease which restricts any drilling prior to the commencement of bowhead whale migration to drilling only above threshold depth.

The North Slope Borough joins the Alaska Eskimo Whaling Commission in its support of deferral of both the Barrow area (Alternative IV) and the Kaktovik area (Alternative V) from the Lease Sale Number 97. The Borough's position could be viewed as advocating yet an additional alternative, Alternative VII, Barrow and Kaktovik Deferral.

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1           The Barrow Deferral Area encompasses the near shore open  
2 lead which is utilized by the bowhead whales during their spring  
3 migration. This open lead is invariably a narrow space between the  
4 shore fast ice and the main pack ice. The main pack ice is always  
5 in motion due to wind generation movements and currents of the  
6 Chukchi Sea. The bowhead whale is the primary user of this narrow  
7 open space during their spring migration to their summer area in  
8 the eastern Beaufort Sea.

9           Any industrial activity within the Barrow Deferral Area  
10 during the bowhead whale spring migration will most certainly  
11 drastically affect the timing and space utilization of this normal  
12 migratory path by the bowhead whale. This would very probably  
13 adversely affect the overall population of the bowhead whales and  
14 would certainly result in a reduction of the availability of those  
15 animals to allow for a subsistence harvest adequate to meet the  
16 needs of the community. Moreover, an oil spill occurrence in this  
17 area during the spring migration or just prior to commencement of  
18 the spring migration would have a catastrophic effect on the  
19 survivability of the bowhead whales.

20           The Kaktovik Deferral Area is an area used by the bowhead  
21 whales during their annual fall migration. The North Slope Borough  
22 and the Inupiat subsistence whalers have always known these waters  
23 to contain nutritionally rich biotic habitat of the bowhead  
24 whale. For this reason, it is felt that the more intense studies  
25 are required to identify and document the feeding habits of the

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1 bowhead whales in the eastern Beaufort Sea which would be crucial  
2 for protection against contamination by industrial activity.  
3 Studies to document the impacts of industrial noise upon the  
4 bowhead whale are scarce and more data is needed to facilitate  
5 reasoned decisions regarding the bowhead whale and industrial  
6 activities. Thus, the Borough recommends that the Kaktovik area be  
7 deferred for a period to allow for the completion of studies to  
8 develop a sound data base.

9         The Inupiat communities and the subsistence whalers have  
10 always recognized the acoustic sensitivity of the bowhead whale.  
11 The subsistence whalers have always used a common sense mitigative  
12 approach regarding noise to obtain successful harvests. The  
13 Borough feels therefore that the federal government must recognize  
14 the sensitivity of both the Barrow Deferral Area and the Kaktovik  
15 Deferral Area by deferring any leasing activities in the Barrow  
16 Deferral Area for a period not less than five years and preferably  
17 for whatever period is required to complete needed research and  
18 deferring leasing activity in the Kaktovik Deferral Area for a  
19 period sufficient to complete current research.

20         The North Slope Borough has no objection to the Chukchi  
21 Sea lease area. However, the Borough recommends that studies be  
22 made in this area regarding the biological content and the  
23 resources dependent upon the biota. The Borough is concerned that  
24 this area lacks a data base which is needed to make reasoned  
25 decisions, in particular with regards to the subsistence resources

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1 and their habitat. The Borough also realizes that the main pack  
2 ice movements within the proposed lease area will pose new problems  
3 for industrial exploration and development. Therefore, it is  
4 recommended that studies of sea ice dynamics be conducted prior to  
5 any activity taking place.

6 The North Slope Borough will submit more detailed comments  
7 in writing on or before January 6, 1987.

8 MR. BROCK: Thank you. Would  
9 somebody now like to give their testimony?

10 MAYOR AHLERS: Could we maybe turn  
11 the heat back on and let it warm up before we go on?

12 MR. BROCK: Sure. Off the record  
13 for a few minutes.

14 (OFF THE RECORD)

15 (ON THE RECORD)

16 MR. BROCK: Let's go back on the  
17 record and who would like to be first? Loren, would you like to  
18 start out?

19 MAYOR AHLERS: I might as well. I  
20 did not prepare a statement, a written statement, I'm just going to  
21 cuff it. There's too many things going on right now, so I'll try  
22 to get one written up and sent to you before the 6th of January.

23 First, I'd like to say that we support the North Slope  
24 Borough's and the Whaling Commission's position on the Kaktovik  
25 Deferral. I would like to stress a little further the need for the

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1 Kaktovik withdrawal. We have current studies going on to determine  
2 what the effect of drilling is on the whales and the migration in  
3 this area and the extent that the feeding area around Kaktovik and  
4 east of Kaktovik has upon the whale. Until these studies are  
5 completed, further leasing of this area should certainly be  
6 deferred or put off until it's really determined what type of  
7 effect the drilling has on it.

8 We have at this time, actually, a good -- I hate to say  
9 it, but a good area to study because there is prior leasing and  
10 there is drilling activity taking place in only one area. That  
11 creates a very excellent opportunity to gather information and  
12 determine whether or not further leasing is advisable and we should  
13 use that. That's item one.

14 Another thing that came out in the pre-discussion here,  
15 the off-the-record discussion, was that you're not concerned about  
16 a spring migration of whales and I think you should be concerned  
17 about a spring migration of whales. The whales do not get over in  
18 Canada by flying. They do migrate and they do migrate in this  
19 water out here. Just exactly where or at what times, I don't know  
20 if anybody knows yet. Have there been any studies in that area?

21 MR. BROCK: We're under the  
22 impression -- I didn't mean to say that the whales didn't get  
23 there. Let me just point out one thing here. I'm not saying it's  
24 right, but we're under the impression, and I can't remember the  
25 exact wording, but the EIS is under the impression that the whales

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1  
2 come around and basically go east here. They do not come this  
3 direction. That was the reason for the -- close to the  
4 shoreline. They come east up here, circulate and come back. That  
5 was the reason for my comment. It probably could have said better,  
6 but that was the --

7 MAYOR AHLERS: Has that been  
8 studied at all?

9 MR. BROCK: Yes. Our studies have  
10 shown that and that's the premise of our EIS. But if you have some  
11 different information, that's the reason that --

12 MAYOR AHLERS: I haven't been out  
13 there to see them so I... I could swear the other way, but I just  
14 wanted to know that.

15 Another thing to take into consideration of the Kaktovik  
16 Deferral is the possible development of ANWR and the effects that  
17 it's going to have upon this community and on the style of life  
18 that we live. It's going to be dramatic. Everybody understands  
19 that and we're trying to find ways to cope with that possibility.

20 This leasing program offshore in the Kaktovik area would  
21 enhance that negative effect towards our lifestyle and is another  
22 excellent reason to put it off until we see what's going to happen  
23 in the near future.

24 Another small complaint, a minor complaint, but not really  
25 minor, important, was that this community received two of these  
Draft Environmental Impact Statements. We received them

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1 approximately three weeks ago. For us to take what's in this book,  
2 go through it and come up with statements based on this Draft  
3 Environmental Impact Statement, is very hard to do when we have two  
4 copies, seven council members and at least a hundred other people  
5 who may be and should be interested in providing comment.

6 MR. BROCK: How many would be a  
7 good number to send? I'm not trying to shortchange you, but by the  
8 same token, they cost \$40 or something like that apiece to print so  
9 we don't like to just send them out for decorations.

10 MAYOR AHLERS: If you're going to  
11 allow us just three weeks to go through it, you should give one to  
12 every council member.

13 MR. BROCK: Ten EIS's would be a  
14 better number?

15 MAYOR AHLERS: Right, and at least  
16 three for the community to come by and pick up from the community  
17 building. And you may change the way these things are done to cut  
18 some of that cost, is to provide a smaller version that has more of  
19 the things that we are particularly interested in and eliminate a  
20 lot of the scientific nonsense that we don't understand and provide  
21 some of this is a base, as kind of a reference, providing the  
22 smaller one that you can use this one to go back into. But it  
23 makes it much easier to read, much easier for people to understand  
24 without having to go through this whole thing and would probably  
25 cut your cost considerably.

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1 MR. BROCK: I couldn't agree more,  
2 but the lawyers won't let us do it.

3 MR. SCHINDLER: We may be able to  
4 come up with an executive summary in the front or something that  
5 would be aimed for the villages. I've been thinking of this.

6 MR. BROCK: We've worked around  
7 that possibility.

8 MAYOR AHLERS: Right. Well, --

9 MR. BROCK: Anyway, it's a good  
10 suggestion. I appreciate it.

11 MAYOR AHLERS: I don't think I  
12 have any other comments to make.

13 MR. BROCK: Thank you, Loren.

14 MAYOR AHLERS: Thank you.

15 MR. BROCK: Do you want to  
16 summarize that?

17 (TRANSLATION BY MS. WILSON)

18 MR. BROCK: Ma'am, please?

19 MS. AKOOTCHOOK: My name is Susie  
20 Akootchook.

21 MR. BROCK: Would you spell that,  
22 please?

23 MS. AKOOTCHOOK:  
24 A-K-O-O-T-C-H-O-O-K. I like what the North Slope Borough has  
25 written up about the deferral of the Kaktovik area and the Barrow

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1 area and I would like to stress my feeling about the Kaktovik Area  
2 Deferral. I would like to see that it be extended for five years  
3 because they're doing a study right now, like Loren says, they're  
4 still doing a study on there.

5 We do have, I'm going to mention this, besides the bowhead  
6 we have spring seal hunting that goes on during the springtime and  
7 I'd like to see no exploration going on out there during springtime  
8 because they do go out there and seal hunt. We do have a number of  
9 seals and on top of that we have a variety of marine mammals out  
10 there.

11 To get back to what Loren said about doing a study in May  
12 and April when the whales start migrating, you mentioned that you  
13 guys have the impression that the whales go out over further out  
14 there. What I feel would be good is that we do a spring study,  
15 somehow start a spring study out there because who knows, maybe  
16 those whales come up a little closer this way than just going all  
17 the way out that way.

18 We do our subsistence hunting here and I would just like  
19 to say that Kaktovik is unique because we are surrounded by the  
20 animals from all sides and I'd like to see the Kaktovik area not be  
21 explored at this time and for a number of years until all studies  
22 are done. Thank you.

23 MR. BROCK: Thank you.

24 (TRANSLATION BY MS. WILSON)

25 MR. BROCK: Next? Isaac?

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1 MR. AKOOTCHOOK: Well, my name is  
2 Isaac Akootchhook, A-K-O-O-T-C-H-O-O-K. You okay? (LAUGHTER) I  
3 was born up here and raised here and I know this place quite a  
4 bit. (SPEAKS IN INUPIAT)

5 TRANSLATION BY MS. WILSON: I was  
6 born and raised here in this area and we're only talking about the  
7 big game animals like whales and the areas and the animals that  
8 need to be studied. He supports those comments and also including  
9 Kaktovik, that he's in support of that.

10 The whales that we're talking about, seals should be  
11 included in all the animals. Seals and bearded seals and fish and  
12 these have got to be studied also, how they migrate and stuff like  
13 that.

14 The ones that are not in studies are the seal holes, you  
15 know, the breathing holes that the seals have. If the drill rig is  
16 put on that, nobody knows where they're at. So, that is very  
17 crucial for the animals.

18 The only way that we know where the animals are is when  
19 they surface on the ice. They're visible. That's the only time  
20 that we know. He mentioned that there are breathing holes for the  
21 seals that are all over the ice in this area.

22 And there's a fish traveling in the waters. There's  
23 migrations going on, but they don't know what kind of fish there  
24 are migrating down there too. So, studies need to be thorough in  
25 this. With these coments he says he thanks you for giving him this

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1 opportunity for comments.

2 MR. BROCK: Thank you. Who is  
3 next?

4 MR. NINGEOK: My name is Jonas  
5 Ningeok.

6 MR. BROCK: Can you spell that for  
7 us?

8 MR. NINGEOK: N-I-N-G-E-O-K.  
9 (SPEAKS IN INUPIAT)

10 TRANSLATION BY MS. WILSON: His  
11 name is Jonas Ningeok and he is in support of the North Slope  
12 Borough comments and also the only thing that he wants to say is  
13 about the whales and where they feed.

14 He says that about a quarter mile offshore they come  
15 around to feed along the shallow waters. If the ships are around,  
16 they don't come around at all, but if the ships are gone, then they  
17 come back. They come back for feedings and as long as there is  
18 noise they don't come around at all. They stay away.

19 And he mentioned that when they were out camping they  
20 could even hear the whales feeding in the shallow waters and there  
21 are lots of them that come around. He said that he could hear this  
22 and this has to be known, he says.

23 And sometimes, looking for the whales, they don't see them  
24 for miles and miles and then looking out for whales they eventually  
25 see some whales.

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1           If there is a disaster with the oil drill or oil  
2 exploration and stuff like that, then the whales are going to be  
3 damaged also. And he thanks you for his comments.

4                   MR. BROCK: Thank you. Who is  
5 next? Anybody else?

6                   MR. BROWER: My name is Archie  
7 Brower and I'm concerned about the migration route of the whales in  
8 the fall that we hunt. If there's any exploration going on out  
9 there, it might affect the route of the whales like it did back  
10 awhile there. The whales would go quite a ways farther out than  
11 usual when they were putting radios on them over east of our  
12 area. The whales would go quite a ways out and sometimes we'd have  
13 to go about twenty miles out before we even spotted a whale. That  
14 happened this fall when we were whaling.

15                   MR. BROCK: Did you feel that the  
16 reason the whales were out was because of the tagging?

17                   MR. BROWER: Yes.

18                   MR. BROCK: Is that what you said?

19                   MR. BROWER: Yes. Like I said,  
20 they were using some kind of boats over there to put the radios on  
21 the whales. After the tagging stopped, we started finding some  
22 whales close to shore over here.

23                   That's my main concern. Thank you.

24                   MR. BROCK: Thank you.

25                   (TRANSLATION BY MS. WILSON)

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1 MR. BROCK: Thank you. Anybody  
2 else?

3 MR. REXFORD: Herman Rexford,  
4 R-E-X-F-O-R-D. (SPEAKS IN INUPIAT)

5 TRANSLATION BY MS. WILSON: His  
6 name is Herman Rexford. He said he was born and raised in Barrow  
7 but moved here in October of 1941. He has hunted whales in both  
8 areas and he's concerned about the fall whaling.

9 When the oil ships are around here it affects the  
10 migrations of the whales and he would like to see no ships during  
11 the fall whaling at Kaktovik and no exploration during that time  
12 because this is the only time that they can hunt whales. He knows  
13 that the ships are very noisy and can affect the whaling route.

14 And he's concerned about this drill rig, the ship that can  
15 drill from the ship, and he says that he has seen, all of us have  
16 seen the land drilling and they're visible, but he has never seen  
17 any ships drill, drillings from the ships, and he would like to see  
18 that there is no danger in this if there is one. And he said that  
19 it has to be sturdy from the high waves and from crushing and stuff  
20 like that.

21 And also he said that he's in support of the North Slope  
22 Borough comments and he likes their comments and he knows that we  
23 have to look at the gain very thoroughly and do some studies.

24 MR. BROCK: Thank you. Next?

25 (PAUSE) We appreciate it and we will close the hearing at this

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1 time. It's a little after 2:00 and we do appreciate your coming  
2 and we do appreciate your comments. So thank you very much and at  
3 this time the hearing is closed.

4 (OFF THE RECORD)

5 \* \* \* END OF PROCEEDINGS \* \* \*

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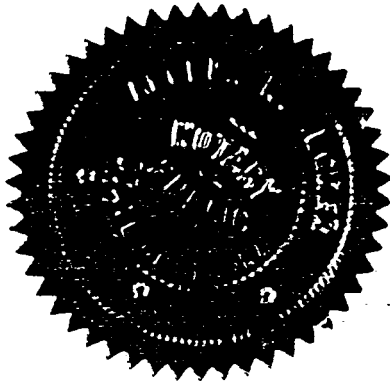
I, Angela K. Hecker, Court Reporter for Accu-Type  
Depositions, state of Alaska, hereby certify:

That the foregoing pages numbered 3 through 19 contain a  
full, true and correct transcript of proceedings in the matter of  
the Draft Environmental Impact Statement for the Proposed Oil and  
Gas Lease Sale 97 in the Beaufort Sea as transcribed by me to the  
best of my knowledge and ability from reel to reel tape identified  
as follows:

Tape No. 881, Log Nos 001-398.

DATED at Anchorage, Alaska, this 14th day of January,  
1987.

SIGNED AND CERTIFIED TO BY:



Angela K. Hecker  
Angela K. Hecker  
Court Reporter

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